

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

1-15478

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

09/914,082

INTERNATIONAL APPLICATION NO.

PCT/DE00/00553

INTERNATIONAL FILING DATE

24 February 2000 (24.02.00)

PRIORITY DATE CLAIMED

01 March 1999 (01.03.99)

TITLE OF INVENTION

ELECTROCHROMIC ELEMENT

APPLICANT(S) FOR DO/EO/US

DIRK JOEDICKE et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ ~~An assignment document for recording.~~ <sup>Two</sup> ~~separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.~~ <sup>Two</sup>  
1) Commerical Register, Germany & 2) Merger Contract - with English trans-  
lations
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Express mail certificates (5); return card; check; Form PTO-1390 Cover sht; Response to Decision on Request Under 37 CFR 1.497(d) with attach copies of Commerical Register of Merger & Merger Contract w/English trans. & IB/306 copy; Revised Appendix D/Consent of Assignee to Add Joint Inventor w/attach; Power of Att/Authorization of Agent w/Statement Under 37 CFR 3.73(b) and attachments, showing chain of title.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>09/914,082</b>	INTERNATIONAL APPLICATION NO. <b>PCT/DE00/00553</b>	ATTORNEY'S DOCKET NUMBER <b>1-15478</b>
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21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. .... \$1040  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$890  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$740  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$710  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>	<b>CALCULATIONS PTO USE ONLY</b>          <div style="display: flex; justify-content: space-between;"> <span>\$ -</span> <span></span> </div>																														
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	<div style="display: flex; justify-content: space-between;"> <span>\$ -</span> <span></span> </div>																														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> <th style="width: 20%;">\$</th> <th style="width: 20%;"></th> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td></td> <td>x 18.00</td> <td>\$ -</td> <td></td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td></td> <td>x 84.00</td> <td>\$ -</td> <td></td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ 280.00</td> <td>\$ -</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$ -</td> <td></td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		Total claims	- 20 =		x 18.00	\$ -		Independent claims	- 3 =		x 84.00	\$ -		MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 280.00	\$ -		<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ -		<div style="display: flex; justify-content: space-between;"> <span>\$ -</span> <span></span> </div>
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<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ -																											
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	<div style="display: flex; justify-content: space-between;"> <span>\$ -</span> <span></span> </div>																														
<div style="text-align: right;"><b>SUBTOTAL =</b></div>	<div style="display: flex; justify-content: space-between;"> <span>\$ -</span> <span></span> </div>																														
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	<div style="display: flex; justify-content: space-between;"> <span>\$ -</span> <span></span> </div>																														
<div style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></div>	<div style="display: flex; justify-content: space-between;"> <span>\$ -</span> <span></span> </div>																														
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +	<div style="display: flex; justify-content: space-between;"> <span>\$ 80.00</span> <span></span> </div>																														
<div style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b></div>	<div style="display: flex; justify-content: space-between;"> <span>\$ 80.00</span> <span></span> </div>																														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Amount to be refunded:</td> <td style="width: 20%;">\$</td> </tr> <tr> <td>charged:</td> <td>\$</td> </tr> </table>	Amount to be refunded:	\$	charged:	\$																										
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a. ☒ A check in the amount of \$ 80.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
 A duplicate copy of this sheet is enclosed.

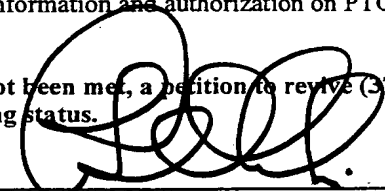
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
 overpayment to Deposit Account No. 13-1816. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card  
 information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:  
**PHILLIP S. OBERLIN**  
**MARSHALL & MELHORN, LLC**  
**FOUR SEAGATE-8TH FLOOR**  
**TOLEDO, OHIO 43604**  
  
**PHONE: (419) 249-7149**  
**FAX: (419) 249-7151**  
  
**JULY 23, 2002**

  
 SIGNATURE  
  
**PHILLIP S. OBERLIN**  
 NAME  
  
19,066  
 REGISTRATION NUMBER

1-15478

"Express Mail" Label Number EL 469907515 US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on July 23, 2002 and is addressed to the Commissioner for Patents, Box PCT, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Kathleen J. Moore  
(Signature of person mailing correspondence)

Kathleen J. Moore

(Typed name of person mailing correspondence)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DIRK JOEDICKE, HANS-JOACHIM  
BECKER, VOLKER GRUMPICH and  
RICHARD BATCHELOR

Group Art Unit:

Serial No. 09/914,082

Filed:

Examiner:

Filing Under 35 U.S.C. 371 in the DO/EO/US  
off PCT/DE00/00553 filed 24 February 2000

For: ELECTROCHROMIC ELEMENT

Attorney Docket: 1-15478

July 23, 2002

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Attention: PCT Legal Office

RESPONSE TO DECISION ON REQUEST UNDER 37 CFR 1.497(D)

Honorable Sir:

In response to the "Decision on Request Under 37 CFR 1.497(d)" dated June 4, 2002, Applicants enclose herewith an additional written consent of the Assignee to add the joint inventor, Richard Batchelor, to the application and providing the name and title of the individual

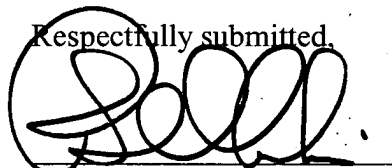
with authority to act on behalf of the Assignee, Flabeg GmbH & Co. KG. The written consent contains the name of the individual, Dr. Hartmut Wittkopf, who is signing on behalf of the Assignee, Flabeg GmbH & Co. KG, and who, as Head of Research and Development, is the authorized representative of Flabeg GmbH & Co. KG in all cases of intellectual property, in particular patents and licenses, as noted on the attached copy of the Authorization document by the Assignee verifying Dr. Hartmut Wittkopf has full power and authorization to execute documents on behalf of Flabeg GmbH & Co. KG, along with an English translation of same which has been signed by the individual making the translation.

Also enclosed is a Power of Attorney/Authorization of Agent, Form PTO/SB/81, and Statement under 37 CFR 3.73(b) with copies of 1) the Assignment document filed in the U.S. Patent and Trademark Office for recordation on March 11, 2002, 2) Recordation Cover Sheets submitted concurrently herewith for recordation of the Merger Contract and Commercial Registration of the Merger of Flabeg GmbH and Flabeg GmbH & Co. KG, 3) Excerpt from the Commercial Register of Amtsgericht (Court of Competent Jurisdiction) in Germany verifying the merger of Flabeg GmbH and Flabeg GmbH & Co. KG along with an English translation of same, and 4) the Merger Contract (Flabeg GmbH with Flabeg GmbH & Co., KG) with English translation of same executed by the individual translating the document. A recordal of change under Rule 92bis was filed in the corresponding PCT application and the change from Flabeg GmbH to Flabeg GmbH & Co. KG was recorded with the International Bureau of WIPO verified by the attached copy of the Notification of the Recording of a Change, Form PCT/IB/306, from the International Bureau of WIPO.

Applicants are submitting concurrently herewith both the Merger Contract and Excerpt from the Commercial Register of Amtsgericht documents, along with their English translations signed by the individual translating the documents, for recordation in the records of the U.S. Patent and Trademark Office, along with a check in the amount of \$80.00 to cover the recordation fee. Please charge any additional fees due or credit any overpayment to Deposit Account No. 13-1816.

As the requirements to establish Assignee's ownership under 37 CFR 3.73, to identify and provide sufficient authorization by the Assignee for Dr. Harmut Wittkopf to execute documents on their behalf, and the Consent of Assignee has been amended to identify and provide authorization for the individual acting on behalf of Assignee, Applicants respectfully request that the "Request to Add Joint Inventor to Application" be granted and the inventor, Richard Batchelor, be added to the subject application.

Respectfully submitted,



Phillip S. Oberlin  
Registration No. 19,066

ATTORNEYS  
MARSHALL & MELHORN, LLC  
Four SeaGate - 8th Floor  
Toledo, Ohio 43604

Phone: (419) 249-7145  
Fax: (419) 249-7151